

## **Response**

### **A. Introduction**

Claims 1-17, 19, and 21-31 were pending in the application prior to entry of the preceding amendments, and these claims (except claim 5) remain pending now. The Examiner previously allowed all pending claims but subsequently withdrew the application from issue to present new rejections. In the Office Action to which this paper responds, the Examiner issued new rejections of:

1. claims 1, 14, 23-24, 26-28, and 31 as anticipated by or obvious in view of U.S. Patent No. 6,200,487 to Denkewicz, Jr., et al.;
2. claims 2-4 as anticipated by U.S. Patent No. 6,292,969 to Supra; and
3. claims 6 and 29-30 as anticipated by or obvious in view of U.S. Patent No. 4,776,953 to Frentzel.

Claims 7-13, 15-17, 19, and 21 remain allowed, and the Examiner indicated that claims 5, 22, and 25 would be allowable if appropriately rewritten.

### **B. Claims 2-4**

Applicants do not concede the propriety of the Examiner's new rejection of claims 2-4 of the application. Nevertheless, to expedite issuance of a patent, Applicants have revised independent claim 2 to incorporate features of allowable claim 5 (and cancelled claim 5 to avoid redundancy). Applicants accordingly request that claims 2-4 be allowed.

### **C. Claims 1, 14, 23-24, 26-28, and 31**

The Examiner rejected claims 1, 14, 23-24, 26-28, and 31 as unpatentable over the commonly-owned Denkewicz patent. According to the Examiner, the Denkewicz patent discloses "a body . . . automatically displaceable

within a swimming pool” and a float “contained within the body but visible through a window (52C).” See Office Action at p. 2. Applicants disagree, as the Examiner’s contentions are undeniably erroneous.

The Denkewicz patent discloses an in-line water purification system having a head 14 to which cartridge 18 is attached. Contrary to the Examiner’s contention, *the outer surface of head 14 is solid*. Solely *within* head 14, a gap or cavity 52C exists, so that water drawn through cartridge 18 may enter tube 34 before exiting the device through end 42.

Clear from this arrangement is that cavity 52C is *not* a “window” permitting viewing within head 14. The Examiner has cited no support for his nonsensical proposition. Indeed, because cavity 52C is within head 14, the lead line is shown in dotted form in FIG. 1. For at least this reason, Applicants request reallowance of claims 1, 14, 23-24, 26-28, and 31.

Yet additionally, device 10 of the Denkewicz patent is not “automatically displaceable” within a swimming pool. Automatic pool cleaner 14 of the present invention, pool cleaning device 32 of the Frentzel patent, and pool cleaner 10 of the Supra patent present examples of devices automatically displaceable within a pool. By contrast, device 10 of the Denkewicz patent merely attaches in-line between two sections of hose. In fact, *the Denkewicz patent clearly distinguishes its device 10 from automatically displaceable pool cleaners*, repeatedly stating that device 10 *cooperates with such cleaners and is positioned between such cleaners and either the inlet or outlet of a pool filtration system*. See, e.g., Denkewicz, col. 2,

ll. 62-67; col. 3, ll. 1-4, 31-50, and 55-58; col. 5, ll. 63-67. Consequently, at least this further reason exists for re-allowing claims 1, 14, 23-24, 26-28, and 31.

**D. Claims 6 and 29-30**

Independent claim 6 refers to an *automatic swimming pool cleaner* comprising, among other things, “means for indicating information concerning the temperature of the water” within a swimming pool. Although the Examiner correctly notes that the Frentzel patent discloses *automatic pool cleaning device 32*, this moveable device 32 does *not* include any temperature information indicating means. Instead, *the thermometer mentioned in the Frentzel patent is attached to static plate member 50 of a separate skimmer 12*. See Frentzel, col. 5, ll. 28-50. No basis thus exists for the Examiner’s contention to the contrary, and Applicants accordingly request that it be withdrawn and claims 6 and 29-30 be allowed.

**Supplemental Information Disclosure Statement**

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicants identify the materials listed below and on the form accompanying this submission:

U.S. PATENTS

<u>Number</u>	<u>Inventors</u>	<u>Date</u>
3,781,925	Curtis, et al.	January 1, 1974
4,753,256	Chivens, et al.	June 28, 1988
6,125,481	Sicilano	October 3, 2000

Pursuant to 37 C.F.R. § 1.97(e)(1), Applicants state that the materials were first cited in an International Search Report mailed May 2, 2005 (*i.e.* less than both one month and three months prior to submission of this paper) in connection with a PCT

application claiming priority to the above-identified application. Applicants do not concede that the materials listed above constitute prior art within the meaning of the United States patent laws.

### **Fees**

Applicants believe no fee is due in connection with submission of this paper. If, however, Applicants' belief is mistaken, the Commissioner is authorized to debit Deposit Account No. 11-0855 for any such fee presently due.

### **Conclusion**

Applicants request that the Examiner allow claims 1-4, 6, 14, and 22-31 and that a patent containing these claims and allowed claims 7-13, 15-17, 19, and 21 issue in due course.

Respectfully submitted,

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